

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE AUTOHOP LITIGATION

This Document Relates To:

DISH NETWORK, L.L.C., Plaintiff
12 Civ. 4155 (LTS)(KNF)

MASTER FILE
12 Civ. 4155 (LTS)(KNF)

CBS PARTIES' NOTICE OF CONSENT
MOTION FOR LEAVE TO FILE
AMENDED COUNTERCLAIMS

UNOPPOSED MOTION FOR LEAVE TO FILE AMENDED COUNTERCLAIMS

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that CBS Corporation, CBS Broadcasting Inc. ("CBS Broadcasting"), CBS Studios Inc. ("CBS Studios"), and Survivor Productions, LLC ("Survivor Productions") (collectively, "CBS" or "Counterclaimants") hereby move this Court, before the Honorable Laura Taylor Swain at the Courthouse, 500 Pearl Street, New York, New York, Courtroom 11C, for leave to file the attached Amended Counterclaims against DISH Network, L.L.C. ("DISH") and EchoStar Technologies LLC ("EchoStar") (collectively, the "DISH Parties" or "Counterclaim-Defendants") pursuant to Federal Rule of Civil Procedure 15(a)(2).

Under this Court's Scheduling Order, as amended by endorsed letter stipulations submitted by the parties, the deadline for CBS to apply to amend its counterclaims against the DISH Parties is January 22, 2013. Based on a written stipulation executed between CBS and the DISH Parties, the DISH Parties have agreed that they provide their consent under Federal Rule of Civil Procedure 15(a)(2) to allow CBS to amend its Counterclaims against the DISH Parties to include a fraudulent concealment and fraudulent inducement claim relating to the non-disclosure of DISH's planned AutoHop service during the parties' negotiation of the Retransmission Agreement executed on January 5, 2012, so long as such amendment is filed by January 22,

2013. The attached Amended Counterclaims adds a fraudulent concealment and inducement claim against DISH based upon the non-disclosure of DISH's planned AutoHop service during the parties' negotiation of the Retransmission Agreement executed on January 5, 2012.

Thus, pursuant to the stipulation between the parties, DISH has provided its written consent to CBS filing the attached amended counterclaims, which are timely filed under this Court's Scheduling Order. Accordingly, the CBS Parties are entitled to file the attached Amended Counterclaims pursuant to Federal Rule of Civil Procedure 15(a)(2).

Respectfully submitted,

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January 22, 2013